

ESTTA Tracking number: **ESTTA169012**

Filing date: **10/16/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Meshbesh Health Corporation
Granted to Date of previous extension	10/17/2007
Address	P O Box 1258 Clearwater, FL 33757-1258 UNITED STATES

Correspondence information	Meshbesh Health Corporation P O Box 1258 Clearwater, FL 33757-1258 UNITED STATES drbetsy@verizon.net Phone:7275620021
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### Applicant Information

Application No	78899134	Publication date	06/19/2007
Opposition Filing Date	10/16/2007	Opposition Period Ends	10/17/2007
Applicant	Garden of Life Inc. Suite 202 5500 Village Blvd. West Palm Beach, FL 33407 UNITED STATES		

### Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Dietary and nutritional supplements
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	78824739	Application Date	02/27/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PERFECT		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 009. First use: Downloadable publications in the nature of newsletters, magazines, bulletins, articles, manuals, booklets, pamphlets, brochures and instruction guides on do-it-yourself and/or consultant-assisted and/or health professional delivered health programs of care
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U.S. Application No.	78824837	Application Date	02/28/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE BODYMAKER PERFECT PROGRAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Downloadable electronic publications, namely magazines and newsletters in the field of health, health research, diet and nutrition, downloadable publications namely bulletins, articles, manuals, booklets, books, pamphlets, brochures and instruction guides on do-it-yourself and/or consultant assisted and/or health professional delivered health programs of care, cleansing, diet, nutrition and related topics		

U.S. Application No.	78817829	Application Date	02/17/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PERFECT WEIGHT SOLUTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: Providing information in the fields of weight, natural health, nutrition and other health related topics via website on the internet; Consulting and counseling services in the field of preventative health, namely personal health consulting services in the areas of weight programs and protocols and healthy lifestyle practices		

Attachments	78824739#TMSN.jpeg ( 1 page )( bytes ) 78824837#TMSN.jpeg ( 1 page )( bytes ) 78817829#TMSN.jpeg ( 1 page )( bytes ) Perfect.txt ( 1 page )(1674 bytes )
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Signature	/Dr Betsy F Meshbeshher/
Name	Dr Betsy F Meshbeshher
Date	10/16/2007

Upon careful review of the Perfect Cleanse application it is of utmost concern that this application raises clear potential and likelihood of confusion as it so resembles in word and marketplace meaning, 3 already established marks of our corporation. Coincidentally, the applicant of "Perfect Cleanse" also holds a marketing trade brand called "The Maker" Meshbesh Health Corporation, holds the mark of "The Bodymaker" as well as the above mentioned marks, Perfect, The Bodymaker Perfect Program and Perfect Weight Solution. Though, the marks are not identical - the mark Perfect Cleanse is strikingly similar for highly related goods and services and sufficiently similar in sound, appearance and meaning so as to confuse the marketplace. All of the marks are within the health field and will be found within the same channels of trade, especially in advertisement via health sites online, therefore consumers are likely to believe that the goods/services emanate from the same party. As the marks must be considered in their entireties, the current application "Perfect Cleanse" poses too likely potential of confusion - especially as there online marketing efforts continually contain the term "Perfect Cleanse" and related to the concept of "Perfect" in relation to other health aspects - we have already noticed the use of "Perfect Weight" as an educational course offered to their customers and potential customers... hence it is all too similar in overall marketing theme meanings with the aforementioned already registered/published marks. The connotation and commercial impression is too similar and too likely to confuse.